

Clarice Ryan

SENATOR CHAS V VINCENT (R)--Chair

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To: Senator Chas. Vincent, Chair and members of the Water Policy Interim Committee

Date: October 29, 2014

Subject: My immediate concerns regarding the proposed Water Compact are as follows:

1. My concerns apply to tribal claim of ownership of all of Flathead Lake, and apply to on-reservation as well as off-reservation with "time immemorial" priority date. This transfer of ownership and control from the constitutional state protection would lead to restricted use and development above Flathead Lake. It would also would basically give management control of lake levels to tribal and federal government management and operational policies. . . devoid of Montana state or Flathead County input or jurisdiction. As a home-owner overlooking the entire lake I foresee personal loss of enjoyment of the lake and have immediate concerns for those property owners adjoining the lake. Ramifications of improper lake management go far beyond my immediate personal concerns.
2. Validity of land titles (even patent title) and state-based water rights are being legally challenged both on and off reservation. There represents lack of validity of previous licenses. Establishment of reservation water rights by means of a Federal Reserved Right compact should not jeopardize the rights of other Montana property owners with senior rights off the reservation.
3. The licensing and ownership of Kerr dam with its lake reservoir, has for some reason, become a factor in simply developing a proposed tribal water right for the reservation. The tribes' law suit undermines the foundation and economic security of the eleven MT counties in the watershed of the Continental Divide with over 350,000 population. These people lose opportunity to provide public input into tribal governmental decisions, management and control.
4. Water related income would be under the complete control of the federal government (indirectly through the tribe) including revenues from distribution and use of both the water and hydro-power production. This could lead to outright sale of the water itself as well as increased energy costs for Montana citizens throughout the state. Both are essential to a healthy economy. Protection of state laws and regulations would no longer apply.
5. Water, essential to all life must be available fairly to all citizens and especially to those in the food production industries. Without adequate water land values decline; farming and ranching operations go out of business; the economy is destroyed with more citizens becoming dependent upon government. Eventually it would lead to the loss of the free enterprise system that is founded on private property principles. The over-reach of government control of our natural resources goes far beyond the original intent of providing adequate water for those living on an Indian reservation. Even those people will be threatened with the currently proposed water compact.



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